

**DECISION OF THE CABINET OF MINISTERS OF THE REPUBLIC OF  
AZERBAIJAN**

**On approving the**

**‘Regulations on conducting public hearing and public discussion of draft legal acts  
prepared by the central and local executive authorities and local self-government bodies’**

With an aim to ensure the enforcement of item 1.1.6 of the Decree #89 of the President of the Republic of Azerbaijan of 16 January 2014 ‘On implementation of the Law of the Republic of Azerbaijan # 816-IVQ of 22 November 2013 “On Public Participation” ’, the Cabinet of Ministers of the Republic of Azerbaijan **decides:**

1. “To approve the Regulations on conducting public hearing and public discussion of draft legal acts prepared by the central and local executive authorities and local self-government bodies” (attached).

2. This decision shall enter into force on 1 June 2014.

**Artur Rasi-zade, Prime-minister of the Republic of Azerbaijan**

Baku, 30 May 2014

#172

Approved

by the Decision # 172 of the Cabinet of  
Ministers of the Republic of Azerbaijan

dated 30 May 2014

## **REGULATIONS**

### **on conducting public hearing and public discussion of draft legal acts prepared by the central and local executive authorities and local self-government bodies**

#### **1. General provisions**

1.1. These Regulations are prepared in accordance with Article 19 of the Law "On Public Participation" of the Republic of Azerbaijan (hereinafter - the Law) and they define the rules for conducting public hearing and public discussion of draft legal acts prepared by the central and local executive authorities and local self-government bodies.

1.2. An initiator of a public hearing and public discussion on the draft legal acts prepared by central and local executive authorities and local self-government bodies can be central and local executive authorities and local self-government bodies themselves, civil society institutions, public councils and individuals.

1.3. A public hearing on the draft legal acts prepared by central and local executive authorities and local self-government bodies is a meeting held with participation of the authorized representatives of the relevant bodies, civil society institutions, individuals, specialists and experts with an aim to hold public consultation on those draft legal acts and inform the citizens.

1.4. A public discussion of the draft legal acts prepared by central and local executive authorities and local self-government bodies is a meeting held with participation of the authorized representatives of the relevant bodies, civil society institutions, individuals, specialists and experts with an aim to enable different strata of the population to prepare proposals on relevant issues in course of adoption of legal acts of public importance by those bodies.

#### **2. Organization of public hearing on the draft legal acts prepared by central and local executive authorities and local self-government bodies**

2.1. Public hearing and public discussion of the draft legal acts prepared by central and local executive authorities and local self-government bodies shall be organized by the relevant structural units that prepare these drafts with participation of legal services of the central and local executive bodies.

2.2. For organization of public hearing and public discussion of the draft legal acts prepared by central and local executive authorities and local self-government bodies:

2.2.1. each of them shall devote a special section on its official website and within this site shall provide a link to "e-government" portal;

2.2.2. central executive body shall place its draft of normative-legal acts since the moment when they are sent for coordination in a special section of its official website and shall place it in the "e-government" portal;

2.2.3. local self-government bodies shall place its draft of normative-legal acts since the moment when they are sent for coordination in a special section of its official website;

2.2.4. it shall be ensured that the drafts remain in a special sections of their official website for 60 days so that civil society institutions, individuals, specialists and experts provide their opinions, remarks and suggestions; and for 10 days in cases when superior executive authorities define 3 month or less period for preparation of a draft normative-legal act;

2.2.5. information about the purpose of enforcement of which act of the President of the Republic of Azerbaijan the draft is adopted, the schedule and location of public hearings and duration of public discussion, rules of conducting them, rules for submission of opinions, remarks and suggestions, timeframes for their review and for announcing the results shall be placed in the special section of the official web site of the central executive body along with the draft of the normative-legal act;

2.2.6. information about the basis of which normative-legal act the draft is adopted and respective norm of the said normative-legal act, the schedule and location of public hearings and duration of public discussion, rules of conducting them, rules for submission of opinions, remarks and suggestions, timeframes for their review and announcing the results shall be placed in the special section of the official web site of the local self-government body along with the draft of the act of normative nature;

2.2.7. It shall be ensured that opinions, remarks and suggestions to the draft legal act by civil society institutions and individuals, specialists and experts is stored in a special section of its official website and that there is a possibility for other users to familiarize with these opinions, remarks, and suggestions;

2.2.8. It shall be ensured that the results of reviewing the opinions, remarks and suggestions to the draft are disclosed to the society and, if any changes are made to the draft by taking into account the opinions, remarks and suggestions, and that a revised version of the act is placed in the official web site of the said body;

2.2.9. Official notification shall be sent to the representatives of relevant state and local self-government bodies at public hearings and public discussion to ensure their participation and inform about time and location of the public hearings and public discussion;

2.3. A justification for adoption of the draft legal act as well as assessment of the impact of legal regulation shall be added to the draft legal act which is submitted for a public hearing or public discussion. If draft legal acts that are to be submitted to the President of the Republic of Azerbaijan anticipate the use of state budget funds, the opinion of the financial expertise of the Ministry of Finance of the Republic of Azerbaijan (upon receiving it) must also be attached.

2.4. It shall be ensured that specialists and experts in the relevant field are attracted to public hearings and public discussion.

### **3. Conducting public hearing and public discussion on the draft legal acts prepared by central and local executive authorities**

3.1. Public hearing and public discussion of the draft legal acts prepared by central and local executive authorities shall be held openly. Any citizen with a capacity to act and civil society institutions may participate and share opinion about the issue discussed.

3.2. In course of conducting public hearing and public discussion of the draft legal acts prepared by central and local executive authorities, opinions, remarks and suggestions of the civil society

institutions, individuals, specialists and experts that are not legally grounded shall not be taken into consideration.

3.3. In course of conducting public hearing and public discussion of the draft legal acts prepared by central and local executive authorities, the following opinions, remarks and suggestions of the civil society institutions, individuals, specialists and experts shall not be taken into consideration:

3.3.1. opinions, remarks and suggestions that contradict to legal acts which have higher legal force;

3.3.2. opinions, remarks and suggestions that contradict to the main principles of activity on norm forming envisaged by Article 8 of the Constitutional Law of the Republic of Azerbaijan "On normative legal acts";

3.3.3. opinions, remarks and suggestions that may lead to factors of abuse in the draft legal act;

3.3.4. opinions, remarks and suggestions that only defend the interests of a specific group by taking into account the principle that little is covered by many;

3.3.5. opinions, remarks and suggestions that do not fall within the scope of legal regulation;

3.3.6. if there are already legislative norms that fully encompass the ideas given in the opinions, remarks and suggestions.

3.4. The proposals to draft of legal acts prepared by central and local executive bodies made at the public hearing and public discussion shall be studied in accordance with the Law of the Republic of Azerbaijan "On considering citizens' appeals". Relevant opinions, remarks and suggestions shall be included into the draft if they do not contradict the requirements defined by article 3.3 of these Regulations and are considered expedient from the perspective of economic, financial, social, environmental and other issues.

3.5. If the opinions and recommendations made at the public hearing and public discussion on the draft legal acts prepared by central and local executive bodies are not considered expedient in accordance with article 3.3 of these Regulations, a reasoned reply shall be sent or submitted personally to the person who made the opinion and recommendation.

3.6. Other issues on conducting public hearing and public discussion of draft legal acts prepared by the central and local executive bodies, shall be carried out in accordance with the requirements specified in Articles 13 and 14.

#### **4. Final documents of public hearing and public discussion of draft legal acts prepared by the central and local executive bodies**

4.1. A final document of a public hearing of draft legal acts prepared by the central and local executive bodies shall be adopted in a form of summary of main opinion, comment and recommendation made during the hearing.

4.2. A final document of a public discussion of draft legal acts prepared by the central and local executive bodies shall be adopted in a form of opinion and suggestion.

4.3 Final documents of a public hearing and public discussion of draft legal acts prepared by the central and local executive bodies shall meet the requirements set forth in Article 15 of these Regulations.

## **5. Organization and conducting of public hearings and public discussion on legal acts prepared by local self-government bodies**

5.1. Organization, conducting and adoption of a final document of a public hearing and public discussion on legal acts prepared by local self-government bodies shall be carried out by taking into account the particularities in item 5.2 of these Regulations and in accordance with parts 2 and 4 of these Regulation.

5.2. The following features shall be taken into account when organizing and conducting a public hearing and public discussion on legal acts prepared by local self-government bodies:

5.2.1. citizens and civil society institutions residing or operating in the territory of a relevant municipality may participate in a public hearing and public discussion of the said legal acts;

5.2.2. a public hearing and public discussion on the said legal acts shall be organized by relevant commissions that prepared those drafts with the participation of the standing commission on legal issues of local self-government bodies.

5.2.3. the standing commission on legal issues of local self-government bodies or a municipality member or employee defined by the municipality chairman shall implement the measures envisaged in subitems 2.2.1, 2.2.3, 2.2.4, 2.2.6 - 2.2.9 of these Regulations with the purpose to organize a public hearing and public discussion of the draft legal acts.

5.3. The drafts that touch upon the issues going beyond the competence of municipalities as provided for by the Constitution and the legislation of the Republic of Azerbaijan, the issues on secession of municipality from the region's and city's administrative territory, on declaring autonomy, on changing the boundaries of municipality as set by the government cannot be brought for a discussion at a public hearing and a public discussion.

*Translated by MG Consulting*